MR. K. GEORGE : (*a*) Yes.

(*b*) On the 12th February 1936.

(*c*) No.

(*d*) The site acquired for the market was taken possession of on the 27th Chingom 1113 and a notification declaring the site a public market under the Markets Regulation was published in the Gazette dated the 2nd November 1937. Further action is being taken in the matter.

Purchase of rubber for the Rubber Factory.

158. ✱ **MR. K. R. NARAYANAN** (*Vaikom* cum *Kottayam*) : Will the Government be pleased to state :

(*a*) whether rubber was purchased from any estate in Travancore for the Trivandrum Rubber Factory when it was under their full charge ; and

(*b*) if so, from whose estates rubber was so purchased, the number of pounds taken from each estate and the price at which the same was bought ?

MR. C. KUMARA DAS (*Director of Industries*) : (*a*) No.

(*b*) In view of the answer to part (*a*), this question does not arise.

ELECTION OF DEPUTY PRESIDENT.

PRESIDENT : Under Rule 7 of the Assembly Rules, I fixed the date for holding the election of the Deputy President and before noon on the preceding day, *viz.*, yesterday, the following nominations were received :

1. The nomination of Mr. Chattanatha Karayalar, proposer Mr. V. Chandamiah and Seconder Mr. J. E. A. Pereira ;
2. Another nomination of Mr. Chattanatha Karayalar, proposer Mr. M. Sivatanu Pillai and seconder Mr. M. Ramiah Pillai and
3. Nomination of Mr. A. Thanu Pillai, proposer Mr. M. Narayana Kurup and seconder Mr. K. G. Kunjukrishna Pillai.

Subsequent to these, I received a letter from Mr. Kunjukrishna Pillai stating that as Mr. Thanu Pillai has expressed his desire not to stand for the election of Deputy Presidentship, he is withdrawing his proposal. I also received another letter from Mr. Thanu Pillai stating that he is withdrawing his candidature for the Deputy Presidentship and requesting that his name may be deleted.

Under Rule 7 of the Assembly Rules, it is provided that the Dewan shall fix a date for the holding of the election of the Deputy President and that at any time before noon on the day preceding the date so fixed, any member may nominate another member for election in the prescribed manner. Under sub-clause 3, on the date fixed for election, the President or, in his absence, the Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be elected. The rule further provides that if more than one member has been so nominated, the Assembly shall proceed to elect a Deputy President *by ballot*.

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Prima facie, it would appear on a literal construction of this rule that if a person who has been duly nominated withdraws from the election leaving only one candidate in the field, even then an election by ballot should be held. As a matter of fact, the rules have not provided for the contingency of a person who has been nominated withdrawing before the time fixed for the election; but the underlying principle of the rule is perfectly obvious and the clue for its interpretation is rule 7 (2) (b). The justification for the rule is beyond question, and consists in this; namely, that the willingness should be a continuing willingness and it would be a forced construction of the rule to insist on holding an election when the willingness to serve as Deputy President if elected does not exist at the relevant moment. It may therefore be pointed out that if after the nomination has been made for the Deputy Presidentship, suppose he accepts the Dewanship of the State, it cannot be contended that election should take place. If, for other causes, supposing—I do not wish to interpose an inauspicious remark—the demise of the Deputy President takes place, it cannot be held under the strict construction of the rule that the election should be held. The term 'ballot' can be used only when the choice of individual members is recorded by the process of secret voting and it cannot be contended that it is within the power of the Assembly to elect a person who does not want to be elected.

It is a well known rule of statutory interpretation that where the reason or the justification of a rule has ceased to operate, the rule itself should be taken to be inoperative. "*Cessante causa cessat et effectus*". The same rule is also expressed thus: "*Cessante ratione legis cessat ipsa lex*".

Section 39 of the Regulation enacts that if any dispute arises as to the interpretation or the carrying out of any of the provisions of this Regulation or the rules framed thereunder, the decision of the Dewan shall be final. In pursuance of the principles I have sought to enunciate and by reason of the powers vested in me under Section 39, I rule that a formal election is superfluous and uncalled for. I therefore proceed to declare that Mr. S. Chattanatha Karayalar has been duly elected Deputy President of the Assembly. His election is approved by the Government of Travancore. (*Applause.*)

I take this opportunity to congratulate him on his uncontested election and equally to congratulate all those who have been responsible for initiating this sound and healthy convention of an uncontested election to this important office. (*Cheers*).

MR. V. K. VELAYUDHAN (*Ambalapuzha* cum *Sherlala*): Sir, I wish to make a statement on behalf of my party by way of explanation of the attitude that my party is adopting regarding the election of the Deputy President. In view of the attitude taken by Government on the voting on the no-confidence motion, and in the light of the views expressed by the Dewan President on that motion that the deputy president holds a quasi official position my party has decided not to participate in to-day's proceedings relating to election to that office.

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MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Sir, with your kind permission I wish to speak a few words. I am deeply sensible of the honour that this House has chosen to confer upon me by electing me to the office of Deputy President of the Assembly. I am equally conscious of the fact that this is an office of great trust and responsibility. The fact that this House has chosen to elect me unanimously indicates clearly that I enjoy the confidence of all sections of this House, both official and non-official, and this fact will be a great encouragement to me in the discharge of the functions that I have been called upon to assume. I shall only say that I shall endeavour to deserve the confidence that this House has reposed in me and I also give the assurance that I shall endeavour to maintain and preserve the dignity and prestige of this House and uphold its best traditions. In establishing sound and healthy conventions, I trust I can rely upon the hearty cooperation of all sections of this House. I take this opportunity of thanking the Government and all the official and non-official members for the honour they have conferred upon me. Before I conclude, I wish to announce to this House and the public that it is my intention to give to the Travancore University as a donation whatever salary that I may receive as Deputy President. (*Applause*)

LEGISLATIVE BUSINESS.

TRAVANCORE IRRIGATION REGULATION (AMENDMENT) BILL INTRODUCTION OF

PRESIDENT : Law Member.

MR. K. T. THOMAS (*Tiruvalla*) : By way of a suggestion, may I request that the Law Member in introducing the bills will put the Criminal Law (Amendment) Bill as the fourth item instead of as the second item as it will conduce to the progress of the other bills.

PRESIDENT : Yes.

MR. KAYALAM PARAMESVARAN PILLAI : (*Law Member to Government*) : Sir, I rise to introduce a bill to amend the Irrigation Regulation of 1072. The bill has been published in the Gazette with a statement of Objects and Reasons. I now beg to move that the bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI : Sir, the main purpose of this bill is to carry out the important legislative proposals of the Minor Irrigation Committee. Hon'ble members of this House are aware that a committee was appointed in 1932 or so to go into the question of Minor Irrigation. They made a report and suggested certain legislative proposals for implementing their recommendation. That matter was considered by Government and a bill was duly drafted. Government decided that an Irrigation Department should first be organised before they come to the Legislature with a bill for the legislative proposals. The Department was accordingly organised and Government have gained the experience of its working and the Bill is now placed before the Assembly.

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